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**OFFICE OF PETITIONS**

In re Application of  
Michael J. Schlichting, et al.  
Application No. 09/740,105  
Filed: December 18, 2000  
Attorney Docket No. N/A

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 18, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 14, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 15, 2002.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, the \$465 extension of time submitted with the petition on August 18, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded by treasury check in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.

The application file is being forwarded to Technology Center 3600, Art Unit 3635 for further processing.

*Retta Williams*

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Petitions Examiner  
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for Patent Examination Policy